

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

No. 03-2211V

Filed: March 13, 2007

Unpublished

DAYNA LEIGH SCOTT

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

Fees and Costs

DECISION AWARDING ATTORNEY FEES AND COSTS¹

Denise K. Vowell, Special Master:

On February 20, 2007, petitioner's counsel, William Pauzauskie, filed a request for attorney fees and costs and a supplementation to the request for attorney fees. A signed statement by petitioner that she bore no reimbursable costs was included with the request which satisfies General Order #9. On February 27, 2007, the parties jointly filed a stipulation of fact concerning attorney's fees and costs. The stipulation stated that the parties agreed that a decision should be entered awarding attorney fees and costs in the amount of \$32,449.50 in attorney fees and \$25,596.67 in reimbursable costs.

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amounts seem reasonable

¹ Petitioner is reminded that, pursuant to 42 U.S.C. §300aa-12(d)(4) and Vaccine Rule 18, she has 14 days to request redaction of material in this decision that "would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b)(2).

and appropriate. Accordingly, I hereby award the lump sum of \$58,046.17² in the form of a check payable jointly to petitioner and petitioner's counsel, William Pauzauskie, for petitioner's attorney fees and costs.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

Denise K. Vowell
Special Master

² This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally, Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir. 1991).

³ Entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review. *See Vaccine Rule 11(a)*.